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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/017,050	12/13/2001	Sudhindra Pundaleeka Herle	SAMS01-00184	6585

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04/21/2005

Docket Clerk
P.O. Box 800889
Dallas, TX 75380

EXAMINER

NGUYEN, HUY D

ART UNIT	PAPER NUMBER
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2681

DATE MAILED: 04/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/017,050

Applicant(s)

HERLE ET AL.

Examiner

Huy D Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bowman et al. (US 2002/0174431 A1) in view of Wu (US 6,442,570).

Regarding claims 1, 8, 15, Bowman et al. teaches that for use in a communications system, an apparatus for wireless software download to a wireless communications device capable of Internet access wherein the software to be downloaded is retrieved from a remote server through a wireless connection for the wireless communications device (see paragraph [0029]).

Bowman et al. does not teach an auxiliary device including sufficient storage for holding software to be downloaded; and a connection between the wireless communications device and the auxiliary device, wherein the software is to be downloaded to the auxiliary device and installed from the auxiliary device onto the wireless communications device.

However, Wu teaches an auxiliary device (e.g., removable memory card 112 – Fig. 1) including sufficient storage for holding software to be downloaded (see column 4, lines 30-34); and a connection between the wireless communications device and the auxiliary device (see Fig.

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1), wherein the software is to be downloaded to the auxiliary device and installed from the auxiliary device onto the wireless communications device (see column 4, lines 40-42).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to apply the teaching of Wu to the teaching of Bowman et al. to expand the memory of the portable device as taught in Wu (see column 4, lines 30-34).

Regarding claims 2, 9, 16, the combination of Bowman et al. and Wu teaches the apparatus according to claim 1, wherein the auxiliary device lacks a connection to the remote server independent of the connection between the wireless communications device and the auxiliary device (Wu Fig. 1).

Regarding claims 4, 11, 18, the combination of Bowman et al. and Wu teaches the apparatus according to claim 1, wherein the software to be downloaded is retrieved by the auxiliary device from the remote server through an Internet connection provided by the wireless communications device (see Bowman paragraph [0029] and Wu column 4, lines 40-42).

Regarding claims 6, 13, 20, the combination of Bowman et al. and Wu teaches the apparatus according to claim 1, wherein the software downloaded to the auxiliary device, when installed on the wireless communications device, replaces software on the wireless device at a time of the software download (see Wu column 4, lines 40-42).

Regarding claims 7, 14, the combination of Bowman et al. and Wu teaches the apparatus according to claim 1, wherein the software downloaded to the auxiliary device is retained after installation on the wireless communications device and reused for installation on other similar wireless communications devices (see Wu column 4, lines 36-38).

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Regarding claims 5, 12, and 19, the combination of Bowman et al. and Wu teaches the claimed invention except that the wireless communications device is a mobile telephone and the auxiliary device is a personal digital assistant. However, it would be an obvious matter of design choice to use a mobile telephone as a wireless communications device and a PDA as an auxiliary device since the invention would perform equally well with the wireless communications device being a mobile telephone and the auxiliary device being a PDA.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Sawano et al. (US 2001/0039212 A1) teaches portable game machine with download capability.
- Abecassis, Max teaches intermittently playing a video.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy D Nguyen whose telephone number is 703-305-3283. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on 703-306-0003. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HU

Huy Nguyen
04/14/2005

JEAN GELIN
PRIMARY EXAMINER

Jean Gelin